

Tennis, Rachel

From: Berg, Elizabeth
Sent: Friday, April 04, 2014 12:47 PM
To: Nicholas W. van Aelstyn
Cc: Tennis, Rachel; Minor, Dustin
Subject: RE: Yosemite Slough

Hello Nico,

Thank you for bringing this article to my attention. I believe that the press office must have used outdated information and did not consult with the site team before making statements to the press. The information that we presented to you at the March 10th meeting is accurate. Although EPA would like to discuss performance of work under a settlement in the near future, the scope of that settlement has not been determined and those settlement discussions have not been initiated. As Craig stated at the meeting, best case scenario, the remedial action at the site will not occur until 2017. Realistically, this date could be further pushed back for reasons we have not identified at this time.

I will let Rachel (with Andrew's assistance) address the questions you pose in the second paragraph. She will be back in the office next Thursday.

Yes, we will miss Craig on this project as well as other projects that he worked on. He was a very strong RPM. I am happy for him but sad for us. We do not know who will be the replacement at this point. The region lost about 50 people due to retirements this week. It will take a little time to make the appropriate reassignments.

We will be in touch shortly regarding your questions.

Sincerely,

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From: Nicholas W. van Aelstyn [mailto:NvanAelstyn@bdlaw.com]
Sent: Friday, April 04, 2014 11:40 AM
To: Berg, Elizabeth
Subject: FW: Yosemite Slough

Hi Thanne,

I received an autoreply to my email below indicating that Rachel would be out until April 10 and to contact you in the meantime, so I thought I'd pass it along to you.

Nico

From: Nicholas W. van Aelstyn
Sent: Friday, April 04, 2014 11:37 AM
To: Rachel Tennis (Tennis.Rachel@epa.gov)
Subject: Yosemite Slough

Dear Ms. Tennis,

I've been meaning to write to you for a while now, but today's front-page article in the Chronicle prompts me finally to do so. I'm sure you've seen it, but in case not here's a link to the online version: <http://www.sfgate.com/politics/article/Hazardous-Yosemite-Slough-in-S-F-finally-getting-5376301.php#photo-1815750>. A few of the quotations attributed to Jared Blumenfeld in the article are at odds with statements that were made by representatives of EPA at our meeting on March 10. For example, the article includes the sentence, "Blumenfeld said the cleanup work will begin next year and be completed by 2016." At the March 10 meeting, Craig Cooper stated that the remedial design work would take two years and the remedy would not be undertaken until 2017. The article also cites Mr. Blumenfeld for the statement that the "settlement process [with the PRPs] should be completed by the end of the year." That is not entirely consistent with what we discussed on March 10. Can you please clarify EPA's position on the schedule and the path forward?

I wanted to follow-up on a couple of other items from the March 10 meeting. First, EPA committed to providing the PRPs at the March 10 meeting with copies of a few items, namely (1) the GNLs that EPA issued on March 7, and (2) the 104e information requests and responses relating to the former Gonzalez Bucket & Drum ("GBD") facility. Can you please advise as to when we can expect to receive copies of these materials? Second, EPA indicated that it would be getting back to us about a few items after conferring internally. These included (1) whether it would issue additional GNLs to entities associated with the former GBD facility, (2) the status of the on-going investigation with respect to the 6150 Third St. location (*i.e.*, PG&E's role in the transformer spill and Exide), and (3) the path forward that we discussed of an interim AOC covering the investigation studies required for the remedial design. Can you please advise as to when we can expect to hear from EPA on these issues?

Lastly, we learned from an email that Craig Cooper sent to the members of the Technical Stakeholder Committee on Friday, March 21, that the Action Memo had been issued and posted to the EPA website that day. Perhaps more importantly, we learned that Mr. Cooper had accepted EPA's early retirement offer and we understand that March 31 was his last day. I must admit that I was sorry to hear this. While we certainly did not always see eye-to-eye, Craig is one of the best and most conscientious RPMs with whom I have ever worked, and I've been doing this for a while. He will be missed. Has EPA named a new RPM for the Yosemite Slough matter?

Thanks for your attention to these matters. I look forward to hearing from you.

Sincerely,

Nico

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